

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 17, 2003

D041638 Tarik A. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Vincent H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to Vincent H. is dismissed.

D040229 People v. Buckley

The conviction for possessing cocaine base for sale is affirmed. The conviction for possessing cocaine base is reversed. The matter is remanded so the trial court can follow the procedures set out in Welfare and Institutions Code section 3051, modify the abstract of judgment as discussed footnote 2, ante, and forward a corrected copy of the abstract of judgment to the Department of Corrections. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D040660 In re Kendall O., a Juvenile

The orders are affirmed. McConnell, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039374 Global Laser Vision Medical Centers, Inc., et al. v. KSWB, Inc., et al./Manoj Motwani et al.

The order granting the anti-SLAPP motions of defendants Kawesch and Motwani is affirmed. The order denying defendant KSWB's anti-SLAPP motion is reversed and the superior court is directed to enter an order granting the motion and awarding attorney fees under Code of Civil Procedure section 425.16 subdivision (c). Defendants are entitled to attorney fees on appeal in the amount to be determined by the superior court.

Defendants shall have costs on appeal.

D038105 People v. Brooks

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D039585 People v. Meeks

The conviction of taking or knowingly driving a stolen vehicle is affirmed. The conviction of concealing or withholding a stolen vehicle is reversed. The trial court shall amend the abstract of judgment to delete the conviction of concealing or withholding a stolen vehicle and advise the Department of Corrections of the amendment. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D040563 People v. Parrault

The appeal is dismissed.

D037969 People v. Sherman

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 18, 2003

D038444 People v. Daniels

The appellant's pro per petition for rehearing is denied.

D038859 People v. Rodriguez

The judgment is affirmed. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D039274 Sznyter et al v. California Food Plan, Inc., et al.

The order granting the motion to strike and the request for fees and costs is affirmed. Costs on appeal to Law Firm and Saylor, in an amount to be determined by the trial court upon remand, after considering whether any duplicative material was unnecessarily included in the Respondents' appendix. Reasonable attorney fees on appeal awarded to Saylor, payable to Law Firm pursuant to their fee arrangement, and to Celebrity, both in an amount to be determined by the trial court upon remand. Huffman, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D038578 Dirty Work Construction, Inc., et al. v. McCarroll

The judgment is affirmed. Respondent to recover her costs on appeal. Benke, J.; We Concur: Kremer, P.J., McIntyre, J.

D041777 In re Mora on Habeas Corpus

The petition is denied.

D041098 Guillermo L. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The request for publication of the opinion is denied.

D039317 Quini M.D. v. Paradise Valley Hospital

The petition for rehearing is denied.

D041573 Diana W. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Diana W. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 19, 2003

D039262 Telford v. Westland Financial Services, Inc.

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D038781 Vick v. Pacifica Services, Inc.

The portion of the court's order granting PSI's motions for JNOV and new trial with respect to PSI's corporate liability under section 3294(b) is reversed, and the jury's verdict awarding punitive damage against PSI shall be reinstated. In all other respects the judgment is affirmed. The court is directed to enter a new judgment in favor of Vick and against PSI that is consistent with the jury's special verdict and this opinion. Vick shall recover his costs on appeal. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J. (opinion)

D039720 People v. Dunford

The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.

D041754 In re Cooper on Habeas Corpus

The petition is denied.

D038480 Depew et al. v. Depew

D039156 (consolidated)

The judgment and the order appealed from are affirmed. Respondent shall recover costs on appeal. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D038956 People v. Alba

D039248 People v. Alba

(Consolidated) Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., Benke, J.

D040287 People v. Braden

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D039427 People v. Jones

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D041337 People v. Culhane

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. rules of Court, rule 38).

D040030 Cardenas v. 24 Hour Fitness, Inc.

The judgment is affirmed. McConnell, J.; We Concur: Benke, Acting P.J., Haller, J.

D040478 In re the Marriage of Bostwick

The court has been advised that the bankruptcy case has been closed. The stay order of October 30, 2002 is accordingly vacated. Appellant's request to abandon his appeal, dated October 24, 2002 is granted. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 19, 2003 (Continued)

**D041755 Jeremiah L. v. Superior Court of San Diego County/San Diego County Health &
Human Services Agency**
The petition is denied.

D040530 In re Champagne C., a Juvenile
Judgment affirmed. McIntyre, J.; We Concur: Kremer, P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 20, 2003

D041794 Marsh v. Superior Court of the County of San Diego/People

The petition is denied.

D037678 People v. Gerardo et al.

The petition for rehearing filed by Defendant and Appellant, Valerie Beidler, is denied.

D041707 Metabolife International, Inc. v. Superior Court of San Diego County/Curran

At the request of petitioner, the petition for writ of mandate is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 21, 2003

D037614 Kitchin v. Schwartz

Judgment affirmed. Respondent to recover her costs. Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D041347 In re Joshua C., a Juvenile

The appeal is dismissed. McConnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D041530 Nicole R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. McConnell, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D041528 People v. Tyler

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)).

D041784 Mahdavi v. Superior Court of San Diego County/American A-One Investment Co., INC. et al.

The petition is denied.

D041080 Phipps et al. v. Fike

D041508 Phipps et al. v. Scharringhausen

No response to the court's letter of March 7, 2003 having been received, the court, on it's own motion, consolidates the above cases. All documents will be filed under D041080.